

REMARKS

Claims 1-22 are pending in this application and have been rejected. Claims 1, 15, 21, and 22 are independent claims. Claims 2-14 and 16-20 are dependent claims.

Claims 15, 17, and 18 have been amended to improve form without changing substance. No new matter is being presented, and approval and entry are respectfully requested.

Rejections Under 35 U.S.C. § 112, Second Paragraph

In numbered paragraphs 3 and 4 on page 2 of the Office Action, the Examiner rejected claims 1, 15, 21, and 22 as being indefinite for reciting a negative limitation. Applicants respectfully traverse these rejections for the reasons presented below.

“The current view of the courts is that there is nothing inherently ambiguous or uncertain about a negative limitation. So long as the boundaries of the patent protection sought are set forth definitely, albeit negatively, the claim complies with the requirements of 35 U.S.C. 112, second paragraph.” See MPEP § 2173.05(i). As specified in claim 1, a predetermined amount of time is provided in which to detect a particular signal. If the signal is not detected within this predetermined time, a communication line is disconnected. It is respectfully submitted that the recitation “when the signal peculiar to the USB is not detected by said detecting means within a predetermined time,” as recited in claim 1, for example, definitely sets forth the boundaries of patent protection.

In addition, many patents have issued that include negative recitations. For example, claim 1 of U.S. Patent No. 6,748,576 recites the following:

“1. In substrate of the type for receiving an integrated circuit and a mold cover that covers a first portion of the substrate and leaves a second portion of the substrate exposed with a boundary edge between the first portion of the substrate and a second portion of the substrate, the substrate having electrically conductive traces and electrically conductive vias on an upper layer adjacent the mold cover, the improvement comprising **no** electrically conductive traces that cross the boundary edge on the upper layer of the substrate,” (emphasis added).

As another example, claim 13 of U.S. Patent No. 6,748,228 recites the following:

“13. The cordless telephone of claim 12, wherein

the generating means includes a timer which counts an elapsed time since the transmission of the security ID stored in the first storage means, wherein

the generating means generates the new security ID when the elapsed time counted by the timer expires a predetermined time **without** reception of a response from the handset,” (emphasis added).

Thus, it is submitted that claims 1, 15, 21, and 22 meet the requirements of 35 U.S.C. § 112, second paragraph. Accordingly, Applicants respectfully request withdrawal of the rejections to claims 1, 15, 21, and 22 under § 112, second paragraph.

Rejections Under 35 U.S.C. § 103(a)

In numbered paragraph 6 on pages 3 and 4 of the current Office Action, the Examiner rejected claims 1, 3-5, 9, 10, 15, and 20-22 under 35 U.S.C. § 103(a) as being unpatentable over Matsuda (U.S. Patent No. 6,211,649) in view of new reference Mizutani et al. (U.S. Patent No. 6,603,744).

In numbered paragraph 7 on pages 4 and 5 of the current Office Action, the Examiner rejected dependent claims 2, 11-14, and 16 under 35 U.S.C. § 103(a) as being unpatentable over Matsuda in view of Mizutani and further in view of Hamdi et al. (U.S. Patent No. 6,408,351).

Also, in numbered paragraph 8 on pages 6 and 7 of the current Office Action, the Examiner rejected dependent claims 6-8 and 17-19 under 35 U.S.C. § 103(a) as being unpatentable over Matsuda in view of Mizutani and further in view of Freadman (U.S. Patent No. 6,546,262).

Applicants respectfully traverse these rejections for the reasons presented below.

Claim 1 recites a communication device having "...disconnecting means for disconnecting a line which is being used for a communication when the signal peculiar to the USB is not detected by said detecting means within a predetermined time." Independent claims 15, 21, and 22 recite similar language.

Matsuda does not disclose disconnecting a communication line when a signal peculiar to the USB is not detected by the detecting means within a predetermined time, as indicated by the Examiner on page 3 of the Office Action. The Examiner has relied on the Mizutani reference as disclosing these features at column 14, lines 15-64; column 15, line 62 to column 16, line 5; and FIGs. 1 and 6.

However, it is the position of the applicants that the cited portions of Mizutani merely teach detecting a state change of a signal line and issuing a suspend command. Thus, neither Matsuda nor Mizutani discloses "...disconnecting means for disconnecting a line which is being used for a communication when the signal peculiar to the USB is not detected by said detecting means within a predetermined time," as recited in claim 1.

Thus, it is submitted that claims 1, 15, 21, and 22 patentably distinguish over the prior art. As for the dependent claims, the dependent claims depend respectively from claims 1 and 15 and are patentable for at least the reasons discussed above.

Therefore, Applicants submit that claims 1-22 patentably distinguish over the prior art. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections under § 103.

Conclusion

It is submitted that none of the references, either taken alone or in combination, teach the present claimed invention. Thus, claims 1-22 are deemed to be in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

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Finally, if there are any additional fees associated with filing of this response, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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